



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION
CITY OF CHICAGO

LIQUOR LICENSE PLAN OF OPERATION

Licensee: 3910 Restaurant Inc. d/b/a BOEM
Premises: 3910 - 3914 W. Montrose Ave., Chicago, IL 60618
Licenses: Retail Food Establishment, Consumption on Premises - Incidental Activity, Outdoor Patio

Pursuant to the City of Chicago Municipal Code Sections 4-4-313 (d)(1) and 4-60-040(h), the City of Chicago Department of Business Affairs and Consumer Protection, the Local Liquor Control Commission (BACP/LLCC) and the above-named Licensee have agreed to the following license conditions concerning the operation of the business as a result of the community nuisance meetings beginning July 23, 2020:

1. **This plan of operation is effective beginning December 17, 2020.**
2. **Operation as a Restaurant:** The licensee shall operate as a restaurant where the primary business activity will be the sale and service of food and where the sale of alcoholic beverages will only be incidental to the food service. Licensee shall not operate in a manner where the sale of alcoholic beverages is the primary business activity. Licensee shall keep its kitchen open and offer food to its patrons during all hours of operation.
3. **Noise:** Licensee shall monitor the noise level emanating from the Premises to ensure compliance with the Chicago Noise and Vibration Control Ordinance MCC 8-32.
 - a. Licensee shall take immediate steps to eliminate any noise violation.
 - b. Licensee agrees that, at any time while the Premises is operating, to take immediate steps to respond and cure all complaints made by neighbors and members of the community immediately after becoming aware of such complaints.
 - c. Licensee shall develop and implement a training program and action plan, to be memorialized in a training guide per Section 7 of this plan of operation, for all employees to avoid or immediately abate any noise issues. All employees will be trained upon employment and will receive ongoing monthly training on appropriate sound levels, including the use of simulated noise to approximate inappropriate levels of sound.
 - d. Staff shall be sufficiently knowledgeable of the need to control noise levels, both inside the Premises and on the outdoor patio, and will restrict capacity to maintain appropriate noise levels as well as prevent guests on the patio from becoming a nuisance for the neighbors.
 - e. No Live or recorded music shall be played on the outdoor patio in accordance with Chapters 4-60-140(g) and 4-60-50(c) of the City of Chicago Municipal Code.

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- f. Licensee shall not dump bottles in the dumpster, stationed in the rear alley, after 11pm. Any bottles that are to be disposed of after 11am is closed shall be disposed of the following day.
4. **Amusements:** Licensee shall not produce or allow any amusement on the licensed premises which requires a public place of amusement (PPA) license under MCC 4-156-285.
5. **Dedicated Security Staff:** Licensee shall cause the Premises to be staffed with properly trained individuals who only perform security related duties ("Security Attendant[s]").
- a. Security Attendants shall wear distinctive uniforms which clearly identify them as security.
 - b. During the hours of operation that occur Thursdays through Sundays between 7p.m. and closing there shall be at least one Security Attendant on the Premises.
 - c. Security Attendants shall ensure the following occur within and adjacent to the Premises:
 - i. Prevent excessive noise from patrons entering and leaving the Premises and make use of respectful and firm reminders to patrons to leave the Premises in a quiet and respectful manner;
 - ii. Prevent exterior loitering in front of the Premises, as well as the alleyway abutting the premises, by conducting routine patrols around the building's exterior at hourly intervals, which shall be memorialized in the employee training guides per Section 7 of this plan of operation;
 - iii. Enforce City and State non-smoking laws;
 - iv. Prevent the accumulation of litter outside the Premises by routine sweeps, at hourly intervals throughout the hours of operation, which shall be memorialized in the cleaning log per Section 8 of this plan of operation;
 - v. Prevent patrons from leaving the Premises with any open container of alcohol.
6. **Employee Training:** All servers, bartenders, Security Attendants, and managers (anyone coming in contact with customers) shall be properly trained and meet all the minimum standards below before they are allowed on the Premises during business hours:
- a. BASSET or TIPS certified – copies of current BASSET and/or TIPS Certificates for all servers, bartenders, Security Attendants, and managers shall be maintained on the Premises and available immediately upon request by BACP/LLCC or any law enforcement official;

- b. Trained to identify intoxicated patrons and how to take pro-active steps to prevent intoxication of patrons; and
 - c. Trained with respect to the detection of fraudulent identification.
7. **Employee Training Manual:** Licensee shall cause to be created an employee training manual which must include provisions of this plan of operation including, but not limited to, dedicated security staff procedures, cleaning procedures, and noise abatement requirements.
8. **Cleaning Log:** Licensee shall maintain a daily cleaning log as provided (See Attachment #1). The log shall be kept in management's office in the Premises for a minimum of one (1) year and made available upon demand to BACP/LLCC or any other law enforcement agency. The log shall include mandatory provisions for the daily assessment at hourly intervals and removal of litter around the outside of the Premises at least one half hour (30 minutes) prior to the restaurant opening and closing.
9. **Incident Monitoring and Reporting:** In the event of any fighting, disturbances of the peace, unruly behavior, or any criminal activity occurring within or within site of the Premises, the manager on duty shall immediately call 9-1-1 via a land line located at the Premises. Licensee shall maintain an incident log identifying the offender names (if known), date, time, and brief description of any of the types of incidents described in this paragraph. The log shall be kept in management's office in the licensed Premises for a minimum of one (1) year and made available upon demand to BACP/LLCC or any law enforcement agency.
10. **Cooperation with Books and Records Requests:** The Licensee agrees that if the Local Liquor Control Commission, the Department of Business Affairs and Consumer Protection (BACP/LLCC), or the Chicago Police Department (CPD), receives a complaint or information that the business is being operated not as a restaurant, but in a manner where the sale of alcohol is the primary activity, or any other allegation of prohibited activity, the Licensee shall fully cooperate with any investigation, including but not limited to, submitting any books and records requested within ten (10) days of such a request

11. **Video Surveillance System:** Licensee will install and maintain a video surveillance system, with 2 high resolution cameras (at minimum 1 exterior alley and 1 interior entryway).
 - a. The system will cover all areas of the interior and exterior, including the alleyway, of the premises and will be centrally monitored and recorded.
 - b. The installation and maintenance of surveillance cameras installed at each building entrance and exit shall be employed and lighted in such a manner to easily identify persons entering and exiting the building.
 - c. The system will be set to record 24 hours each day.
 - d. All files of footage shall be kept in management's office in the licensed premises for a minimum of thirty (30) days and made available upon demand to BACP/LLCC or any law enforcement agency.
 - e. Licensee will keep a log of all instances of requests for, access to, dissemination and use of, recorder material made by video surveillance cameras. Copies of the access log shall be provided to BACP/LLCC or any law enforcement agency upon request.
12. **Exterior Lighting:** Adequate exterior lighting will be maintained in all areas abutting the Premises.
13. **Days and Hours of Operation:** Licensee shall not operate the outdoor patio past 11:00PM Sundays through Thursdays. Licensee shall not operate the outdoor patio past 12:00AM on Fridays and Saturdays.
17. **Parking:**
 - a. Licensee shall encourage its patrons to use public transportation or ride-share/taxi services for travel to the Premises.
18. **Exit/Entry Doors:**
 - a. Licensee will display a sign in a conspicuous location near the front door and patio door that reads, "Please Respect Our Neighbors, Please Exit Quietly."
 - b. Licensee shall display a sign at all entrances and exits to the outdoor patio indicating that no alcoholic beverages shall leave the Premises.
 - c. Licensee shall post signs near the front door of the Premises and at the interior entrance advising patrons that they will be ticketed and/or towed if they are parked in an area zoned as residential neighborhood parking.


- d. Licensee shall actively prevent the use of the alley as an exit for customers with the exception that it may be used for an exit in the case of emergencies.
19. **Closing Procedures:** Licensee shall ensure patrons depart in a quiet and orderly fashion. Licensee shall implement a closing procedure that includes the lights being progressively turned up and any music being progressively turned down during the last 30 minutes of operation. Additionally, Licensee shall have security posted at the front door to monitor patrons and respectfully but firmly request departing patrons leave quietly.
20. **Community Access:** Licensee shall maintain and monitor its business phone number and social media pages in order to proactively address questions, concerns, and complaints from patrons and members of the community. Licensee will provide the names and contact numbers for the on-site managers which can be shared with area neighbors for real-time response to noise concerns during all hours of operation.
21. **CAPS and Community Meetings:** The Licensee or a representative shall attend all 017th District C.A.P.S. (Community Alternative Policing Strategy) and hospitality meetings. If requested, the Licensee or a representative shall attend meetings conducted by the Alderman, Police Commander, the 017th District Business Meeting, and any similar CPD-sponsored meetings to improve awareness with community concerns of the neighborhood. The Licensee shall meet with local community groups, upon reasonable notice, to identify and address any issues with the operation of the business, including noise, loitering, crime, or any other quality of life issues.

The conditions of this Liquor License Plan of Operation are legally binding and may be enforced by City of Chicago enforcement authorities under Section 4-60-040(h) of the City of Chicago Municipal Code. All other conditions of the license are governed by the City of Chicago Municipal Code. Violation of the above stated conditions may result in the imposition of a fine and/or suspension or revocation of all business licenses issued to the Licensee. Violations of the above stated conditions may also result in the issuance of cease and desist orders prohibiting the activity which violates the conditions of the liquor license.

The conditions of the liquor licenses issued pursuant to this plan of operation shall apply to the business address and Licensee and to all officers, managers, members, partners and direct or indirect owners of the entity of which is licensed. The sale of the licensee to other persons purchasing the stock of the licensed entity shall be subject to the same conditions set forth in this Plan of Operation. All potential new owners of the licensed entity shall be subject to the same conditions set forth in this statement.

It shall be the duty of every person conducting, engaging in, operating, carrying on or managing the above-mentioned business entity to post this Liquor License Plan of Operation next to the Liquor license certificate in a conspicuous place at the business address.

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Premises: 3910 - 3914 W. Montrose Ave., Chicago, IL 60618


Garcia Maynor, President
5 West Division Corp.


Shannon K. Trotter
City of Chicago
Local Liquor Control Commissioner

12/17/2020
Date

1/19/2021
Date